

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

BRENDA LUCILLE SCHULPIUS,

Plaintiff,

v.

Case No. 2:20-cv-360-FtM-38NPM

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

Before the Court are Defendant's Opposed Second Motion for Stay of Proceedings (Doc. 14) and Plaintiff's Response (Doc. 15). In this Social Security case, Defendant requests the Court stay the proceedings for an additional ninety days or until such time as the Agency regains capacity to produce a certified transcript of the administrative record necessary to draft an answer and adjudicate the case. (Doc. 14, p. 1). Due to the current situation in this country, Defendant represents the Agency has transitioned to a maximum telework environment, but encountered difficulties that impact the operations of the Social Security Administration's Office of Appellate Operations. (*Id.* at pp. 1-2). Defendant claims to have made great strides in preparing certified administrative records, but is still behind.

Plaintiff opposes an additional stay, arguing the Court already stayed this action for sixty days and as a result, this action should be given priority over other cases. Alternatively, Plaintiff posits that the Court could issue a scheduling order while the parties wait for the certified transcript, and when it is received, the parties can update their citations to the transcript.

A court has broad discretion whether to stay a proceeding “as an incident to its power to control its own docket.” *Clinton v. Jones*, 520 U.S. 681, 706-707 (1997). The court must weigh the benefits of the stay against any harms of delay. *Id.* at 707.

Here, on the one hand, the Commissioner has provided good cause to extend the deadline to file the certified transcript and answer. But on the other hand, in light of the prior sixty-day stay, the Court finds that an additional ninety-day extension would cause undue delay. Notably, the Agency concedes it continues “to focus our efforts on processing the most aged cases,” which must include this case. (Doc. 14-1, ¶ 8). Given that this is the second time Defendant requests a stay, this case should be given a higher priority by the Agency. As a result, the Court will extend the deadline to file the certified transcript and answer by thirty days.

Accordingly, it is **ORDERED**:

The Opposed Motion for Stay of Proceedings (Doc. 14) is **GRANTED in part**. The Court extends the deadline for Defendant to file a certified transcript and answer to **November 4, 2020**.

DONE and **ORDERED** in Fort Myers, Florida on October 20, 2020.



NICHOLAS P. MIZELL
UNITED STATES MAGISTRATE JUDGE